

HUMAN RESOURCE MANUAL

1

Instruction 334-1: Temporary Assignment of Personnel under the
Intergovernmental Personnel Act (IPA)

Issuance Date: 03/28/2008

Material Transmitted:

Department of Health and Human Services (HHS) Instruction 334-1, Temporary Assignments of Personnel under the Intergovernmental Personnel Act, dated March 28, 2008.

Material Superseded:

HHS Instruction 334-1, Temporary Assignments of Personnel under the Intergovernmental Personnel Act, dated March 7, 1996.

Background:

This Instruction has been superseded due to the revision of Intergovernmental Personnel Act regulations (5 CFR part 334), effective May 29, 1997. This revised regulation transferred from the Office of Personnel Management (OPM) to agencies the responsibility for certifying the eligibility of “other organizations” for participation in the mobility program; discontinued the requirement of agencies to submit assignment agreements to OPM; and required agencies to maintain records.

In addition, the HHS Human Capital Accountability Policy effective June 2, 2006 authorized the Office of Human Resources to conduct periodic Human Capital and Human Resource Management reviews of Human Capital documents within OPDIVs and operating Human Resource organizations to verify and validate the level of Department performance across all components and geographic areas in Human Capital management.

This issuance is effective immediately. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, bargaining agreements, and Departmental policy.

Antonia T. Harris
Deputy Assistant Secretary for Human Resources
Assistant Secretary for Administration and
Management

INSTRUCTION 334-1

Instruction 334-1: Temporary Assignment of Personnel under the
Intergovernmental Personnel Act (IPA)

Issuance Date: 03/28/2008

**SUBJECT: TEMPORARY ASSIGNMENT OF PERSONNEL UNDER THE
INTERGOVERNMENTAL PERSONNEL ACT (IPA)**

334-1-00	Purpose
334-1-10	References
334-1-20	Coverage and Exclusions
334-1-30	Responsibilities
334-1-40	IPA Nature of Assignments
334-1-50	Certification of Eligibility of “Other Organizations”
334-1-60	Documentation, Recordkeeping, and Accountability

334-1-00 PURPOSE

The purpose of this Instruction is to provide policy and guidance for the Intergovernmental Personnel Act (IPA) of 1970 and Title VI of the Civil Service Reform Act which authorize the temporary assignment of employees between Federal agencies and State, local, and Indian Tribal governments, institutions of higher education and other eligible organizations. Assignments may be made by detail or appointment.

334-1-10 REFERENCES

- A. The Intergovernmental Personnel Act of 1970, 5 USC § 3371 – 3375 (Examination, selection, and placement assignments to and from States)
- B. 5 CFR § 334 (Revised Intergovernmental Personnel Act, 5/29/97)
- C. HHS Human Capital Accountability System Policy, June 2, 2006
- D. Personnel Aspects of the Indian Self-Determination and Education Assistance Act, Public Law 93 – 638 Handbook (HHS, 10/10/2000)

334-1-20 COVERAGE AND EXCLUSIONS

A. Coverage

This instruction is applicable to career or career conditional employees of Federal agencies, employees under equivalent excepted service appointments, career Senior Executive Service employees, and individuals employed for at least 90 days in career positions with a State, local, or Indian tribal government, institution of higher education, or other eligible organization.

B. Exclusions

This Policy does not apply to members of the U.S. Public Health Service Commissioned Corps or Special Purpose IPA agreements made under Public Law 93-638, the Indian Self-Determination and Education Assistance Act. (Refer to Personnel Aspects of the Indian Self-Determination and Education Assistance Act, Public Law 93 – 638 Handbook.)

Instruction 334-1: Temporary Assignment of Personnel under the
Intergovernmental Personnel Act (IPA)

Issuance Date: 03/28/2008

334-1-30 **RESPONSIBILITIES**

A. The Office of Human Resources (OHR) is responsible for:

1. Interpreting the provisions of the Intergovernmental Personnel Act;
2. Developing Departmental policy; disseminating information and instructions to Operating Divisions (OPDIVs), and Operating Human Resources Organizations;
3. Approving IPA assignments to or from the immediate staffs of elected chief executives of State or local governments; and
4. Reviewing and forwarding to OPM, upon concurrence, OPDIV requests for a Federal employee to participate in the IPA program beyond the six (6) year maximum restriction during his or her Federal career.

B. OPDIVs are responsible for:

1. Promoting the use of the IPA assignments;
2. Identifying assignments that are of mutual benefit to the agency and the organization;
3. Submitting all necessary IPA documents to operating Human Resource organizations for approval and processing;
4. Submitting documentation requesting IPA assignments to or from the immediate staffs of elected chief executives of State or local governments through the operating Human Resources organization to the DASHR for approval;
5. Submitting documentation, through the operating Human Resources organization to the DASHR, requesting an exception to the limitation of a Federal employee to a maximum of six (6) years participation (during his or her Federal career) in the IPA program;
6. Approving IPA assignments for up to two years and approving the extension of assignments up to an additional two years;
7. Determining if waiver of repayment of expenses is appropriate for failure to complete obligated service agreement upon completion of an IPA assignment, and waiving repayment of above IPA expenses, if appropriate;
8. Providing periodic written performance assessments.

C. Operating Human Resources organizations are responsible for:

1. Reviewing and approving documents for certification of eligibility of “other organizations” and;
2. Processing all requisite personnel actions for IPA assignments for serviced organizations;
3. Reviewing and forwarding to DASHR, OPDIV requests for IPA appointments to or from the immediate staffs of elected chief executives of State or local governments;

Instruction 334-1: Temporary Assignment of Personnel under the
Intergovernmental Personnel Act (IPA)

Issuance Date: 03/28/2008

4. Reviewing and forwarding to DASHR, OPDIV requests for a Federal employee to participate in the IPA program beyond the six (6) year maximum restriction during his or her Federal career;
5. Maintaining accurate listings of approved certifications of eligibility of organizations; and
6. Maintaining records of agreements.

334-1-40 IPA NATURE OF ASSIGNMENTS

IPA assignments may be by detail, excepted appointment, or by leave without pay. Federal employees, by consent, may be assigned to a non-Federal organization either on a *detail* or in *leave without pay* status. Non-Federal employees may be assigned to a Federal organization on a *temporary excepted appointment* or on a *detail*.

A. Federal Employee IPA Assignments

1. A Federal employee on a detail or leave without pay IPA assignment remains an employee of the OPDIV and retains the rights and benefits attached to that status.
2. A Federal employee may not participate in the IPA program more than a total of 6 years during his or her Federal career. OPM may waive this restriction upon the written request of the DASHR.
3. An OPDIV cannot send or receive an employee on an assignment if the employee has participated in this program for four (4) continuous years without at least a 12-month return to duty with the organization, with the exception of assignments to Indian tribes or tribal organizations.
4. In the case of assignments made to Indian tribes or tribal organizations, the OPDIV may extend the period of assignment for any length of time where it is determined that the assignment will continue to benefit both the Federal agency and the Indian tribe or tribal organization.
5. Federal employees must agree to serve with the Federal Government a period equal to the length of the assignment. They can return to their same or an equivalent position.

B. Non-Federal Employee IPA Assignments

1. Detail
 - a. Non-Federal employees detailed to OPDIVS remain employees of the outside organization.
 - b. They are not eligible to enroll in Federal health benefits programs, group life insurance, or the Federal retirement systems.

Instruction 334-1: Temporary Assignment of Personnel under the
Intergovernmental Personnel Act (IPA)

Issuance Date: 03/28/2008

- c. They are not employees of OPDIVS and may not serve in a line management position, i.e., positions with delegated authority to implement or administer grants, contracts, policies, or human resource issues.
- d. They may serve in an advisory or consultative capacity, or in a staff assignment.
- e. They may provide day-to-day supervision of employees, but may not serve as “official supervisors”. The exercise of official supervisory authorities over employees is reserved to designated employees of the Department.

2. Temporary Excepted Appointment

- a. Non-Federal employees who receive IPA excepted appointments are considered temporary Federal employees. They are eligible for within-grade-increases if they are on appointments for more than one year. They are entitled to locality pay and other pay differentials, and earn leave as other Federal employees.
- b. They are not eligible to enroll in the Federal Employees Health Benefits program unless their Federal appointment results in the loss of coverage under the non-Federal health benefits system.
- c. Non-Federal employees appointed in the excepted service, as temporary employees, may be assigned to line management positions.

334-1-50 CERTIFICATION OF ELIGIBILITY OF “OTHER ORGANIZATIONS”

Operating Human Resources organizations are responsible for final review and approval of certification of eligibility requests of “other organizations”. OPDIVs are responsible for obtaining and reviewing all required documentation of “other organizations” interested in participating in an IPA assignment within the respective OPDIVs. The review process must ensure that organizations certified are official non-profit incorporated businesses with the requisite Office of Personnel Management documentation. Organizations must demonstrate their principle purpose to offer professional advisory, research, educational, or developmental services to governments or universities concerned with public management. OPDIVs will submit all certification documents, along with required IPA documents, to their operating Human Resources organizations for final approval.

334-1-60 DOCUMENTATION, RECORDKEEPING, AND ACCOUNTABILITY

A. Documentation

1. Certification of Eligibility documentation for “other organizations.” Evidence of eligibility includes the following:
 - a. Articles of Incorporation;
 - b. Bylaws;

Instruction 334-1: Temporary Assignment of Personnel under the
Intergovernmental Personnel Act (IPA)

Issuance Date: 03/28/2008

- c. Internal Revenue Service nonprofit statement;
 - d. Any other information describing the organization's activities as they relate to professional advisory, research, educational, or development services or similar services to governments or universities; and/or
 - e. A copy of a previously issued certification signed and dated by an authorized official of the certifying Federal agency.
2. One of the following IPA Assignment Agreements, completed and signed:
 - a. CDC Form 0.69 (E) Assignment Agreement: applicable to CDC;
 - b. HHS Modifications to OPM's Optional Form (OF) 69: applicable to NIH; or
 - c. OF 69: Assignment Agreement (Title IV) of the Intergovernmental Personnel Act of 1970): applicable to HHS OPDIVs excluding CDC and NIH.
 3. Completed Request for Personnel Action, Standard Form 52, authorizing the action for IPA excepted appointments, details, or leave without pay assignments.
- B. Recordkeeping
1. Approved Certifications of Eligibility: Operating Human Resources organizations will maintain lists of organizations certified for eligibility to participate in the IPA program. OHR will post lists of organizations to the HHS intranet.
 2. Records of IPA Agreements and extensions of assignment agreements and other related documents must be maintained in the operating Human Resources organizations for three years from the end of each detail or appointment.
- C. Accountability

In compliance with the HHS Accountability and Analysis System requirements, the Department may conduct periodic reviews of OPDIVs and operating Human Resources organizations regarding administration of the Intergovernmental Personnel Act Program.